

REMARKS

With the entry of this Amendment, claims 1-8 will be pending in this patent application.

In this paper, Applicant is adding new claims 5-8 in order to more comprehensively claim the invention. New independent claim 1, modeled upon original claim 1, recites an upper edge of the bag body and includes modified recitations of the side edges of the bag body. New dependent claims 6-8 are modeled on original claims 2-4. Support for the amendments to the claims can be found, for example, in the original claims and in original drawing FIGS. 1 and 2.

PRIOR ART REJECTION

Claims 1-4 were rejected under 35 USC § 103(a) as being unpatentable over JP 2000-211655 A (Yamamoto) in view of JP 11-301696 (Yoshioka). Applicant traverses this rejection.

The self-standing bag disclosed and claimed in this application achieves significant advantages over known self-standing bags by employing a spout for the bag that is integrally molded with an edge sealer applied to side edges of the bag. In particular, the disclosed and claimed self-standing bag maintains the self-standing performance until the contents of the bag are used up, can be reduced in the volume by folding for disposal of the bag, and exhibits high fixing strength between the bag and the spout. The disclosed and claimed method of manufacturing the self-standing bag enables especially efficient production of the bags, while ensuring that the spout is reliably and strongly fixed to the bag.

The self-standing bag illustrated in Fig. 2 of Yamamoto has welded upper and side edges 2a and a spout 30 disposed in the upper edge, as the Examiner points out. The Examiner concedes that the Yamamoto bag does not have a sealer and integrally molded spout as required by Applicant's claims.

The Examiner cites Yoshioka for its disclosure of a bag having an integrally injection molded spout 13 and edge sealer 14. As a remedy for deficiencies in the Yamamoto bag vis-à-vis the requirements of Applicant's claims, the Examiner proposes modifying the Yamamoto bag in view of the teachings provided by Yoshioka. According to the Examiner, the modified

Yamamoto bag would have "edge sealers integrally molded to the spout as taught by Yoshioka in order to improve the sealing properties of the bag seams."

The bag shown in Figs. 1 and 2 of Yoshioka is a liquid mixture bag consisting of two side-by-side tubes 11 with a lower end 16 that is flattened and sealed. The bag is not self-standing; it is designed for hanging from a bottom edge. The top of the bag is formed by side-by-side shoulders 12 each having an integrally molded spout 13. A single strip 14 integrally molded with one of the shoulders extends between the shoulder and the bottom of the bag, terminating in a tab with a hanging hole 14A. The strip 14 overlies and is sealed to a flat seam in the middle of one of the tubes 11 between abutting edges of the sheet material which is used to make the body of the bag. There is no disclosure in Yoshioka of using an element like strip 14 at locations that could be fairly construed as side edges of the bag. Applicant therefore submits that Yoshioka does not offer a disclosure that could be reasonably used as a basis for making the modification of the Yamamoto bag proposed by the Examiner. Moreover, the modification of the Yamamoto bag proposed by the Examiner would require a complete overhaul of the Yamamoto bag that would be at odds with the Yamamoto disclosure and for which there is no suggestion in either Yamamoto or Yoshioka.

The requirements of the dependent claims define further patentable departures from the disclosures in Yamamoto and Yoshioka. For example, there is not the slightest suggestion in either reference of cavities in a mold at places corresponding to the side edges of the bag body, as required by claims 3 and 4, and not the slightest suggestion of the successive molding steps recited in claim 4.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in Yamamoto and Yoshioka can reasonably serve as a basis for rejecting any of claims 1-4 under 35 USC § 103(a).

ALLOWABILITY OF NEW CLAIMS

The patentable distinctions of claims 1-4 vis-à-vis the disclosures in Yamamoto and Yoshioka argued above are also applicable to the new claims 1-4, which call for spaced apart side edges, an upper edge extending between the side edges and the spout disposed in the upper

edge. No reasonable combination of the disclosures in Yamamoto and Yoshioka could make obvious the requirements of the new claims.

OTHER PRIOR ART

Applicant has considered the other prior art cited by the Examiner. Applicant is not commenting on this prior art, because it was not applied against the claims in this application.

CONCLUSION

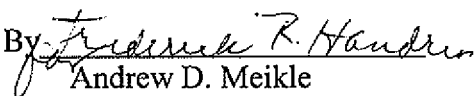
In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 12, 2007

Respectfully submitted,

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